

~~GP 1646 B~~

Cindy Chickara

November 8, 2001

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 PATENT & TRADEMARK OFFICE
 in re:

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					SMALL ENTITY		LARGE ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	RATE	ADDIT. FEE
TOTAL	26	(-)	23	3	x\$9		x\$18	54
INDEP.	3	(-)	3	0	x\$42		x\$84	
1st PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					+ \$140		+ \$280	
					TOTAL		TOTAL	\$ 54.00

The additional claim fees are being paid by:

- ☒ [X] A check in the amount of \$54.00.
- ☒ [X] Authorization to charge and/or credit **Deposit Account No. 50-1017 (Billing No. 210147.0023)** as noted below. A duplicate copy of this sheet is enclosed.
- ☒ [X] Any overpayments or deficiencies in the above-calculated fee.
- ☐ [] Additional claim fee in the amount of \$____.00 as calculated above.
- ☒ [X] Any additional fees required under 37 C.F.R. § 1.16 and/or § 1.17.
- ☒ [X] In the event that a Petition for Extension of Time is required, but not submitted, please charge any extension fee under 37 C.F.R. § 1.136(a) to our Deposit Account.

CORRESPONDENCE ADDRESS

8 November 2001
(Date)

By: _____

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Enclosure

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON THE DATE INDICATED BELOW.

BY:

Cindy Chickaro

DATE:

November 8, 2001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of
Sean A. McCarthy, et al.

: Group Art Unit 164

Appln. No.: 09/578,063

: Examiner: Dong Jiang

Filed: May 24, 2000

: Confirmation No. 16092900

For: PROTEINS HAVING DIAGNOSTIC,
PREVENTIVE THERAPEUTIC, AND
OTHER USES

: Attorney Docket
: No. **10147-6U1**
: (MBI099-030CP1)

**RESPONSE TO RESTRICTION REQUIREMENT
AND
PRELIMINARY AMENDMENT**

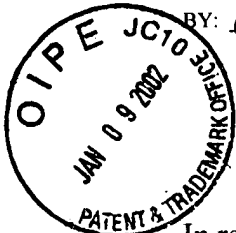
This paper is filed in response to the Restriction Requirement dated October 2, 2001 (Paper No. 7). This paper includes both a Response to the Restriction Requirement and a corresponding Preliminary Amendment, which the Applicants request the Examiner to enter. This paper is timely filed in view of the enclosed Petition for a One-Month Extension of Time and the corresponding fee.

Response to Restriction Requirement

In the Restriction Requirement, the Examiner included two separate restrictions.

In the first restriction, the Examiner identified eight Groups of claims, designated Groups A-H. The Applicants elect the claims of **Group B** (claims 8-10) for prosecution on the merits in this application, without traverse.

In the second restriction, the Examiner identified seventy-eight Groups of claims, designated Groups I-LXXVIII. The Applicants elect the claims of **Group XLVII**, corresponding to SEQ ID NO: 47, with traverse. The Applicants traverse the second restriction



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and request that the Examiner recombine groups XLV-LII, corresponding to SEQ ID NOs: 45-52. The elected Group corresponds to SEQ ID NO: 47, which is the full-length amino acid sequence of TANGO 294 protein. Each of SEQ ID NOs: 48-52 is a portion of SEQ ID NO: 47. Each of SEQ ID NOs: 45 and 46 encodes SEQ ID NO: 47. Therefore, the Examiner's search relating to SEQ ID NO: 47 will necessarily include searches of each of SEQ ID NOs: 48-52 and amino acid sequences encoded by SEQ ID NOs: 45 and 46 and their close homologs. For this reason, the Applicants respectfully request that the Examiner recombine Groups XLV-LII and examine the claims with regard to each of these Groups.

The Examiner did not designate the TANGO 294 nucleotide sequence deposited as ATCC[®] accession number 207220 and the amino acid sequence encoded thereby as separate Groups. These sequences correspond to the full length TANGO 294 nucleotide and amino acid sequences (SEQ ID NOs: 45 and 47, respectively). The Applicants contend that these sequences should remain combined with SEQ ID NO: 47.

The Applicants respectfully request that the Examiner examine claims relating to all of SEQ ID NOs: 45-52 and the nucleotide and amino acid sequences corresponding to the ATCC[®] deposit, since all of these sequences correspond to TANGO 294.

Preliminary Amendment

Prior to examining the elected claims on the merits, please amend the application as follows.

In the Title:

On page 1, at lines 4 and 5, please delete the present title and substitute the following title in place thereof.

-- PROTEINS HAVING DIAGNOSTIC, PREVENTIVE,
THERAPEUTIC, AND OTHER USES --